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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,667	10/31/2003	Carl Staelin	200311281-1	1031

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EXAMINER

NGUYEN, THINH H

ART UNIT PAPER NUMBER

2861

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/698,667

**Applicant(s)**

STAELIN ET AL.

**Examiner**

Thinh H. Nguyen

**Art Unit**

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 18-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).


\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

1. Prosecution on the merits of this application is reopened on claims 11-12, 14-16 considered unpatentable for the reasons indicated below:

2. Applicant is advised that the Notice of Allowance mailed <sup>5/3/06</sup>  is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 4, 9, 11, the recitation of "state of the digital printing" is unclear as written, and thus it can not be ascertained what "state" being referred as status (condition) of the printing press *or* state parameter (value; recited in claims 5, 15)

The following limitations lack antecedent basis and not positively recited:

"the printing apparatus" (claim 11, line 5);

"the estimated developer voltage" (claims 8, 16); and

"the state parameters" (claim 15)

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 12, 14-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Seymour et al. (U.S. 5,967,049)

Re claim 11, Seymour (figs. 4) discloses the instant claimed a print engine (10) for depositing ink at a thickness that is determined at least in part by a control parameter (as described by control parameter (I); see equation 14, 19, 21, and 24);

a processor (68) for estimating the control parameter (I) (col.13, line 61 – col.14, line 43) by applying an estimation model to a measured state (as described by dot gain G; see equation 21) of the apparatus;

Re claim 12, wherein the apparatus is a digital printing press, wherein the control parameter is developer voltage. (as described by voltage at the terminal of the potentiometer (60), col.5, lines 26-61);

Re claim 14, the apparatus further comprising an optical densitometer (col.2, lines 62-63); and wherein the processor uses an output of the optical densitometer to infer ink thickness;

Re claim 15, the apparatus further comprising sensors (known light reflecting sensor disclosed in the background col.2, lines 35-36) for measuring different state

parameters (col.2, lines 64-67) of the digital printing press; and wherein the processor uses at least some of the measurements of the state parameters;

Re claim 16, wherein the estimated model is used to print swatches at different digital dot areas (zonal), and wherein the processor computes physical dot area, and adds dot area coverage to a dot gain table (col.13, equation 16col.16, lines 20-25)

***Allowable Subject Matter***

6. Claims 1-10, 13, 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 13, 17 and dependent claims thereof, the prior art relied upon by the Examiner do not suggest at least one BID unit, and the printing press includes control hardware for controlling each BID unit at an estimated developer voltage. These limitations are neither suggested nor taught by the prior art of record, alone or in combination as claimed.

***Patent Application Information Retrieval (PAIR)***

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

### **Contact Information**

9. Any inquiry concerning this communication should be directed to examiner Thinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Wed, and Thurs from 6:30A – 3:00P. The official fax phone number for the organization is (571) 273-8300. The examiner supervisor, Vip Patel, can also be reached at (571) 272-2458.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.



Thinh Nguyen

July 18, 2006

**Thinh Nguyen**  
**Primary Examiner**  
**Technology Center 2800**